

DOCKET NO.: VTN-0564-USA
Application No.: 09/819,074
Office Action Dated: Dec. 16, 2003

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS/ARGUMENTS

Claims 1-26 have been canceled in this application. Claims 25 and 26 have been rewritten in independent form as new claims 27 and 28, respectively. Support for claims 27 and 28 is found, for example, in claims 1, 2, 25 and 26. No new matter has been entered.

The Advisory Action that was faxed to Applicants' Attorney on December 16, 2003 indicates that the declaration filed on 31 July 2003 under 37 CFR 1.131 is sufficient to overcome the Duggan patent (U.S. Pat. No. 6,124,594). In this regard, Applicants thank the Examiner for withdrawing the standing rejections of claims 1-24 under 35 U.S.C. § 102(e) and § 103(a).

Double Patenting Rejections and the Decision Granting Petition

Claims 1-12, 23, 24 and 13-22 stand rejected under 35 U.S.C. § 101 for statutory type double patenting as being allegedly unpatentable over claims 1-24 of prior U.S. Patent No. 6,246,062. Pursuant to the Decision Granting Petition mailed on October 12, 2001, in connection with both the instant patent application and parent application 09/187,579, now U.S. Patent No. 6,246,062 (the '062 patent), Applicants have canceled claims 1-24 for the reason that the Duggan patent has been removed as prior art.

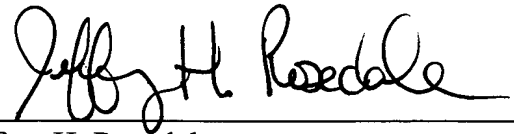
Claims 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 8 and 4 of the '062 patent. Although Applicants do not acquiesce in the Office's use of the '062 patent in applying this doctrine, Applicants are filing herewith a terminal disclaimer over the '062 patent pursuant to the aforesaid Decision Granting Petition to overcome the obviousness-type double patenting rejections of claims 25 and 26, which are now rewritten in independent form as claims 27 and 28, respectively.

In view of the above, Applicants respectfully urge the Examiner to enter claims 27 and 28 and issue a Notice of Allowance at his earliest convenience.

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Respectfully submitted,



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